

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

Derrick Williams, Chairman announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

WELCOME AND CALL TO ORDER:

Derrick Williams, Chairman, called the regular meeting of the Residential Builders Commission to order at 10:00 a.m. Other members present for the meeting included: Al Bailey, Caleb Davis, Tim Roberts, Frank Clark and Bryan Dowd.

Staff members participating in the meeting included: Sharon Danzler, Deputy General Counsel, Jamie Saxon, Hearing Advisor, Christal Bell, Staff Attorney, Suzanne Hawkins, Staff Attorney, Randy Bryant, Assistant Deputy Director, Robert Salem, Legislative Liaison, Stan Bowen, Administrator, Dwight Haynes, Office of Licensure and Compliance, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Jan Dunkin, Court Reporter, Charlie Ido, Investigation, Michael Dole, Investigation.

Others present participating in the meeting included: John Hemingway, Mark Simendinger, Tim Rupon, Francisco Rivera, Gary Crawford, T. Hudson, Lon Alexander, Lew Whaley, John Grimes, Patrick Condon, Don Wade, Stephen Zimmerman, Michael Shaw, Doug Reid and Leah Reid.

Approval of Agenda:

Wednesday, October 8, 2008

Motion

Mr. Clark moved to approve the Wednesday, October 8, 2008, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, September 10, 2008

Motion

Mr. Bailey moved to approve the Wednesday, September 10, 2008, meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

Excused Members:

NONE

Chairman's Remarks:

Derrick Williams

Chairman Williams stated that the Commission need to be more abreast with what is going on at LLR therefore, there needs to be more communication.

Administrator's Remarks:

Stan Bowen

Stan Bowen reminded the Commission to turn in their 2009 License Plate Request Forms prior to leaving the meeting.

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

Advisory Opinions:

Sheridon Spoon

NONE

Office of Building & Business Services (OBB)

Stan Bowen

Mr. Stan Bowen introduced Mr. Randy Bryant, Deputy Director of Office of Building & Business Services. Mr. Bryant has been with the agency since 1993, and has experience in law enforcement and investigations.

Mr. Randy Bryant

Mr. Bryant thanked the Commission for wanting to work closer with the agency and presented and explained OBB organizational structural. The reorganization placed the construction and real estate industries together consisting of construction and business licensees throughout the state. The goal of OBB is to reduce fees, consolidate and provide more consumer protection. Mr. Bryant stated if he or his staff can be of any assistance to the Commission please do not hesitate to contact them.

Legislative Update:

Robert Selman

Mr. Robert Selman, Legislative Liaison, informed the Commission that they are coming into a two (2) year session and if the Commission needs any assistance with legislation to please contact him. He stated that he would keep the Commission abreast of any legislation changes. Mr. Selman stated that LLR made some positive and professional changes to provide administrative service to the Boards and communities. He informed the Commission that they may contact him to discuss any issues or concerns they may have.

Chairman Williams

Chairman Williams stated that the Commission previously discussed increasing the bond requirements.

Bryan Dowd

Mr. Dowd asked who would license and regulate Fire Sprinkler Subcontractors.

Al Bailey

Mr. Bailey suggested that the Commission gather a list of questions and concerns and present them to Mr. Selman.

Office of Licensure Compliance and Discipline:

Dwight Hayes

Mr. Dwight Hayes, from Office of Licensure Compliance and Discipline, informed the Commission that the Compliance and Discipline section is charged with determining compliance with Consent Agreements and Board Orders. When it is determined that a licensee is not in compliance action is taken in accordance with the Agreement or Order. In most cases, the Agreement or Order provides for the suspension of the license until such time as the licensee comes into compliance. In order to make this transition work accurately and faster they are recommending that the Commission give the Administrator authority to sign Agreements and Orders administratively suspending a license

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

pending compliance; and to re-instate licenses when they come into compliance. The cases would be brought before the Board for discussion and signature when appropriate.

MOTION

Mr. Davis made a motion, to give the Administrator authority to sign Agreements and Orders administratively suspending a license pending compliance and to re-instate licenses when they come into compliance. Mr. Clark seconded the motion, which carried unanimously.

Old Business:

NONE

New Business:

Recommendation of Investigation Review Committee:

MOTION

Mr. Roberts made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Bailey seconded the motion, which carried unanimously.

Application Review:

Mr. Charles T. Riley

Mr. Riley appeared before the Commission because he answered “no” on his Specialty Contractor’s Application that he has not been convicted of pled guilty or nolo contendere to a criminal offense; and that there has not been any judgments, liens or claims filed against him or business entities that he has been associated with within the past five (5) years. Due to Mr. Riley’s answers the application could not be processed in a routine manner by staff. Mr. Riley was sworn in by Mrs. Jan Dunkin. Mr. Riley waived his right to counsel.

Mr. Riley appeared before the Commission and offered the following testimony.

Mr. Riley testified that he was convicted of simple possession of marijuana and driving under the influence. He has enter into an agreement with Carolina Model Home Corporation to pay \$104.38 per month beginning October 1, 2008 for the term of 12 months until the judgments of \$1,242.50 is paid off. He has worked with his uncle for the past several years and he is faithful to his customers.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Davis made a motion, to approve Mr. Riley Specialty Contractor’s Registration with a one year probationary status; and after one year if the judgment has been paid and no complaints his probation will be released. Mr. Roberts seconded the motion, which carried unanimously.

Mr. Ernest G. Hudson

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

Mr. Hudson appeared before the Commission to ask that his credentials and experience which he submitted on his residential electrical and plumbing application be accepted. Also, that he be exempt from taking the electrical and plumbing examination. Mr. Hudson was represented by Mr. Gary Crawford, Esquire. Mr. Hudson was sworn in by Mrs. Jan Dunkin.

Mr. Hudson appeared before the Commission and offered the following testimony.

Mr. Hudson testified that he has been in the electrical and plumbing business for approximately 30 years. He has 75 - 100 rental homes which he does all the electrical and plumbing maintenances. He had a Florence County electrical and plumbing license until last year.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Dowd moved to enter into executive session to seek legal advice. Mr. Bailey seconded the motion, which carried unanimously. Mr. Roberts made a motion to come out of executive session. Mr. Dowd seconded the motion, which carried unanimously.

MOTION

Mr. Bailey made a motion, to approve Mr. Hudson electrical and plumbing license with the following stipulation: Mr. Hudson is not licensed to work on any other property but his own. If the license is used to work on any other property it will be suspended. Mr. Davis seconded the motion, which carried unanimously.

Mr. Patrick Condon

Ms. Condon appeared before the Commission because he answered “no” on his Residential Builders Renewal Application that there has been judgments, liens or claims filed against his or business entities that he has been associated with within the past five (5) years. Due to Mr. Condon answer the application could not be processed in a routine manner by staff. Mr. Condon was represented by Mr. John Grimes, Esquire. Mr. Condon was sworn in by Mrs. Jan Dunkin.

Ms. Condon appeared before the Commission and offered the following testimony.

Ms. Condon testified that when he answered “no” on the application he did not have knowledge of the judgment until he received notice that his application was denied.

Mr. Grimes informed the Commission that Mr. Condon has liability insurance and he is undertaking the defense of the case. There is a pending civil matter and this is the first time any judgments have been placed against Mr. Condon. He asked the Commission to grant Mr. Condon the opportunity to continue in business by granting his renewal.

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Bailey made a motion, to grant Mr. Condon's renewal under the condition that restitution is made. If restitution is not made Mr. Condon's license will be suspended. Mr. Dowd seconded the motion, which carried unanimously.

Mr. John C. Hemingway

Mr. Hemingway appeared before the Commission because he answered "yes" on his Specialty Contractor's Application that that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Hemingway's answer the application could not be processed in a routine manner by staff. Mr. Hemingway was sworn in by Mrs. Jan Dunkin. Mr. Hemingway waived his right to counsel.

Mr. Hemingway appeared before the Commission and offered the following testimony.

Mr. Hemingway testified that he was convicted for distribution of cocaine and controlled substance. Since that time he no longer does drugs and has been cleaned since October 1999.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Davis made a motion, to approve Mr. Hemingway's Specialty Contractors Application. Mr. Dowd seconded the motion, which carried unanimously.

Mr. Michael McFadden

Mr. McFadden appeared before the Commission because he answered "yes" on his Residential Builder's Application that that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. McFadden's answer the application could not be processed in a routine manner by staff. Mr. McFadden was sworn in by Mrs. Jan Dunkin. Mr. McFadden waived his right to counsel.

Mr. McFadden appeared before the Commission and offered the following testimony.

Mr. McFadden testified that he was released from prison in June 2008. He was convicted of criminal domestic violence, violation of parole and delinquent child support. He is no longer on probation and his child support is current. He asked the Commission to grant him the opportunity to get his life back in order by giving him the chance to work.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Bailey made a motion, to approve Mr. McFadden's Residential Builder's Application with a probationary status

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

until his next renewal period; Mr. McFadden must provide a sled report; and, if there are any arrests during this period his registration is immediately suspended. Mr. Davis seconded the motion, which carried unanimously.

Mr. Llewellyn R. Whaley

Mr. Whaley appeared before the Commission because he answered “yes” on his Residential Builder’s Application that that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Whaley’s answer the application could not be processed in a routine manner by staff. Mr. Whaley was sworn in by Mrs. Jan Dunkin. Mr. Whaley waived his right to counsel.

Mr. Whaley appeared before the Commission and offered the following testimony.

Mr. Whaley testified that he was convicted approximately eight years ago for distribution of crack which he served five years probation. He is no longer on probation. He currently has a claim in litigation regarding an addition to a family home and restitution was paid on August 25, 2008.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Bailey made a motion, to allow Mr. Whaley sit for the Residential Builders Examination. Mr. Davis seconded the motion, which carried unanimously.

Mr. Francisco J. Rivera

Mr. Rivera appeared before the Commission because he answered “yes” on his Residential Specialty Application that that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Rivera’s answer the application could not be processed in a routine manner by staff. Mr. Rivera was sworn in by Mrs. Jan Dunkin. Mr. Rivera waived his right to counsel.

Mr. Rivera appeared before the Commission and offered the following testimony.

Mr. Rivera testified that in June 2007 he was charged with Financial Transaction Card Forgery. He pled guilty and was sentenced to five years probation and the probation was terminated upon payment. His probation and restitution was satisfied in March 2008. He has a Pardon pending and no longer reports to his probation officer. He asked the Commission to grant him the opportunity to prove himself by allowing him to work and take care of his family.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Davis made a motion, to approve Mr. Rivera’s Residential Specialty Application upon Mr. Rivera providing proof of restitution and probation and a copy of his passport. Mr. Rivera must furnish a Five Thousand Dollars surety bond. Mr. Roberts seconded the motion, which carried unanimously.

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

Mr. Timothy Rupon

Mr. Rupon appeared before the Commission because he answered "yes" on his Residential Home Inspector's Application that that he has been convicted of pled guilty or nolo contendere to a criminal offense. Also, there were questions regarding Mr. Rupon's work experience. Due to Mr. Rupon's answer the application could not be processed in a routine manner by staff. Mr. Rupon was sworn in by Mrs. Jan Dunkin. Mr. Rupon waived his right to counsel.

Mr. Rupon appeared before the Commission and offered the following testimony.

Mr. Rupon testified that he was convicted in August 1997 for Bank Fraud and received five years probation which ended on August 27, 2002. He took a Home Inspectors class at Midlands Technical College. He does not have any construction experience but would like to work in the home inspecting business. He asked the Commission to allow him to take the Home Inspector's Examination based on the course taken at Midlands Technical College.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Bailey made a motion, to allow Mr. Rupon to sit for the Home Inspector's Examination. Mr. Clark seconded the motion, which carried unanimously.

Citations:

Mr. Reginald T. Cunningham

MOTION

Mr. Davis made a motion, to approve the citation against Mr. Reginald Cunningham. Mr. Bailey seconded the motion, which carried unanimously.

Ms. Debra Gutierrez

MOTION

Mr. Dowd made a motion, to approve the citation against Ms. Gutierrez. Mr. Roberts seconded the motion, which carried unanimously.

Ms. Thomas Meetze

MOTION

Mr. Davis made a motion, to approve the citation against Mr. Meetze. Mr. Roberts seconded the motion, which carried unanimously.

Reinstatements:

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

Mr. Don Wade

Mr. Wade requested to appear before the Commission to have his Residential Builder's License be reinstated. Mr. Wade's license was suspended on August 13, 2008 for failure to comply with a Consent Agreement dated October 2, 2006. Mr. Wade and Mr. Michael Doles were sworn in by Mrs. Jan Dunkin. Mr. Wade waived his right to counsel.

Mr. Wade appeared before the Commission and offered the following testimony.

Mr. Wade testified that on February 2007 he sent a letter to Mr. Michael Doles requesting an extension. Mr. Doles granted the extension and the work was completed. He informed Mr. Doles that he hired an inspector to inspect the work. The inspector recommended that a finishing be put on the floor. He testified that he never received notification of the findings of the last inspection on February 7, 2007. He has been in the construction business for approximately 38 years.

Mr. Doles testified that Mr. Wade sent a letter on October 11, 2006 by general mail requesting additional time to comply with the consent agreement. Mr. Wade request was granted thereby requiring Mr. Wade to have all correction made no later than February 5, 2007. Mr. Wade did not have the hardwood floor issue resolved as of the February 7, 2007 inspection. Another inspection was conducted and as of the week of October 1, 2008 the work was not completed.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Bailey moved to enter into executive session to seek legal advice. Mr. Dowd seconded the motion, which carried unanimously. Mr. Bailey made a motion to come out of executive session. Mr. Dowd seconded the motion, which carried unanimously.

MOTION

Mr. Dowd made a motion to deny Mr. Wade's request for reinstatement of his Residential Builder's License. Mr. Bailey seconded the motion, which carried unanimously.

Mr. Stephen M. Zimmerman, Jr.

Mr. Zimmerman requested to appear before the Commission to have his Residential Builder's License reinstated. Mr. Zimmerman license has been inactive since June 30, 2004. Mr. Zimmerman and Mr. Eric Zimmerman were sworn in by Mrs. Jan Dunkin. Mr. Zimmerman waived his right to counsel.

Mr. Zimmerman appeared before the Commission and offered the following testimony.

Mr. Zimmerman testified that in 2004, he moved to Costa Rica where he built custom homes in accordance with the Costa Rica Laws. During his absence he and his nephew continued to keep his bond current but, unfortunately, his nephew did not realize he was suppose to pay a renewal fee every year. Letters was sent to staff requesting that his license be placed in an inactive status and to allow Mr. Eric Zimmerman to renew his license in his absence. In 2006 he

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

tried to renew his license and was informed that he needed to furnish a current bond and pay Three Hundred Twenty Dollars. He is back in South Carolina and ready to start providing quality custom home building to his clients and request that the Commission allow him to renew or reinstate his license.

Mr. Eric Zimmerman testified that he came to LLR several times to renew Mr. Zimmerman license and was told by staff to furnish a current bond. He furnished the bond and the bond was lost by staff. He has made several attempts to update Mr. Zimmerman's license but haven't made any progress.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Roberts made a motion, to renew Mr. Zimmerman's Residential Builder's License. Mr. Clark seconded the motion, which carried unanimously.

Reconsideration of Consent Agreement:

Mr. Randy H. Holloway

Mr. Holloway did not appear at this meeting. Mr. Holloway was represented by Mr. William A. Jordon, Esquire. Mr. Jordon sent a request via facsimile requesting that the hearing be continued. The fax was sent late evening on October 7, 2008 and staff received the fax the morning prior to the hearing.

Mrs. Christal Bell, informed the Commission that witnesses and the investigator was present to give testimony. This matter was on the Agenda to be heard on September 10, 2008 and the same thing happened. Therefore, she requested that this matter be dismissed.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Dowd made a motion, to deny Mr. Holloway's request for reconsideration of the Consent Agreement. Mr. Davis seconded the motion, which carried unanimously.

Hearing Officer's Recommendations For Bond Hearings:

Ms. Jennifer Mellott, Case #2007-176

Ms. Mellott did not appear at this meeting

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, October 8, 2008

10:00 a.m.

MOTION

Mr. Bailey made a motion, to approve the Hearing Officer's recommendations. Mr. Roberts seconded the motion, which carried unanimously.

Public Comments:

Mrs. Christa Bell introduced Ms. Suzanne Hawkins, Office of General Counsel.

Date of Next Meeting

Wednesday, November 12, 2008 Meeting Room 108

The next meeting of the Commission is scheduled for Wednesday, November 12, 2008 in conference room 108. Mr. Dowd will not be present at the November 12, 2008 meeting.

Adjournment

Mr. Davis moved the meeting be adjourned. Mr. Dowd seconded the motion, which carried unanimously.

The October 8, 2008, meeting of the South Carolina Residential Builders Commission was adjourned at 2:45 p.m.